

REMARKS

The Office Action dated October 7, 2004 has been received and carefully considered. Claims 1, 2, 4-7, 9, 11-13 and 16 have been amended to remove recitation of unnecessary "step of" language and to correct various informalities. These amendments do not narrow the scope of the claims. Reconsideration of the outstanding objections and rejections in the present application therefore is respectfully requested based on the following remarks.

Telephonic Interview of January 4, 2005

During the telephonic interview of January 4, 2004, the Applicant's representative explained the Applicant's position that the cited references fail to disclose or suggest the subject matter of forming a device driver by loading separate device-independent and device-dependent portions to memory as similarly recited by the independent claims of the present application. The Examiner declined to comment on the Applicant's position and requested that the Applicant submit a formal response outlining the Applicant's position.

Allowability of Claims 8, 9, 15, 17, 23-30 and 32-34

The Applicant notes with appreciation the indication at page 5 of the Office Action that claims 23-30 are allowable and that claims 8, 9, 15, 17 and 32-34 would be allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. The Applicant has opted to forgo rewriting the claims as suggested by the Examiner in view of the following remarks.

Indefinite Rejection of Claims 4-7

At page 2 of the Office Action, claims 4-7 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. The Applicant has amended claims 4-7 consistent with the Examiner's remarks. Withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claims 1-7, 10-14, 16, 18-22, 31, 35 and 36

At page 2 of the Office Action, claims 1-7, 10-14, 16, 18-22, 31, 35 and 36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bondy (U.S. Patent No. 5,491,813). At page 4 of the Office Action, claims 5, 6, 18 and 19 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bondy in view of Keller (U.S. Patent No. 5,752,032) and

claims 11, 12, 33 and 36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bondy in view of Schoening (U.S. Patent No. 6,226,788). At page 5 of the Office Action, claim 16 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bondy in view of Shirakabe (U.S. Patent No. 5,136,709). These rejections are respectfully traversed.

Claim 1, from which claims 2-12 depend, recites the limitations of loading device-independent driver code into kernel mode memory, wherein the device-independent driver code forms a first portion of a display driver and loading a particular device-specific driver portion into kernel mode memory, wherein the device-specific driver portion forms a second portion of the display driver. Claim 13, from which claims 14-22 depend, and claim 31, from which claims 32-36 depend, recite the similar limitations of providing a set of device-independent functions, wherein the device-independent functions are capable of supporting a plurality of different display devices, providing a plurality of device-specific driver portions, wherein each device-specific driver portion of the plurality of device-specific driver portions include functions only capable of supporting a portion of the plurality of different display devices, and providing a second function to load a particular device-specific driver portion into kernel mode memory, wherein the particular device-specific driver portion is associated with a particular display device of the plurality of different display devices.

The Office Action asserts that Bondy discloses binding device-independent driver code to form a first portion of a display driver, receiving a device identifier associated with a particular device, identifying a particular device-specific driver portion, and binding the particular device-specific driver portion to form a second portion of the display driver. *Office Action*, p. 3. The Office Action admits that Bondy does not teach loading the device-independent code and the device-dependent code into memory, but instead asserts that this would have been obvious “in view of the fact that device drivers are typically [loaded] into kernel/operating system memory.” *Id.*

It is respectfully submitted that Bondy does not teach the binding of separate device-independent driver portions and device-dependent driver portions as suggested by the Examiner. Instead, Bondy discloses “the functions provided in the resource library are dynamically bound to expose the functionality of the desired display adapter. A second level of dynamic binding is implemented to bind the program application with the display specific code and graphics models

being utilized.” *Bondy*, Abstract. *Bondy* therefore discloses using the graphics adapter interface (GAI) 60 to bind the functionality of a display adapter to a program application and then bind the program application to a display specific driver. *See, e.g., Bondy*, col. 4, line 44-col. 5, line 45; *see also Bondy*, col. 7, line 9-col. 8, line 34. Accordingly, *Bondy* teaches that a program application is bound to a separate device specific driver based on a model of the functionality of the specific display adapter. *See, e.g., Bondy*, col. 3, lines 30-33 (“The present invention also includes a plurality of display drivers, corresponding to the display adapters used by the system, thus eliminating the problem of having identical device driver code contained in each model.”). *Bondy* does not teach or suggest a device-dependent display driver having separate device-independent and device-dependent portions as recited by claims 1, 13 and 31. Accordingly, it will be appreciated that this binding is not analogous to the formation of a device-specific driver by combining a device-independent code portion with a device-specific code portion.

Accordingly, the Applicant submits that *Bondy* fails to disclose or suggest a device driver having different device-independent and device-dependent portions and therefore necessarily fails to teach or suggest loading different portions into memory to form a device-specific driver as recited by claims 1, 13 and 31. Even if *Bondy* did disclose different driver portions, the dynamic binding disclosed by *Bondy*, if applied to these different portions, is not analogous to loading the different portions separately into memory, nor would one of ordinary skill in the art to be so motivated because device drivers conventionally are loaded as a whole into memory. The Office Action makes no assertion that Keller, Schoening or Shirakabe disclose or suggest at least these limitations.

The Applicant therefore submits that the Office Action fails to establish that the proposed combinations of *Bondy*, Keller, Schoening and Shirakabe disclose or suggest each and every limitation of claims 1, 13 and 31, as well as claims 2-7, 10-12, 14, 16, 18-22, 35 and 36 at least by virtue of their dependency from one of claims 1, 13 or 31. Moreover, these dependent claims recite additional limitations neither disclosed nor suggested by the cited references.

In view of the foregoing, it is respectfully submitted that the obviousness rejections of claims 1-7, 10-14, 16, 18-22, 31, 35 and 36 are improper at this time and withdrawal of these rejections therefore is respectfully requested.

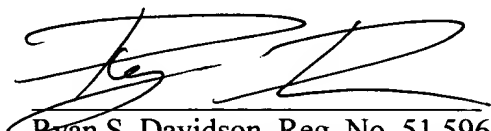
Conclusion

In view of the foregoing, the Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

7 January 2004
Date


Ryan S. Davidson, Reg. No. 51,596,
On Behalf Of
J. Gustav Larson, Reg. No. 39,263,
Attorney for Applicant
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)